

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,)	
)	
Petitioner,)	8:18CV46
)	
v.)	
)	
STATE OF NEBRASKA,)	ORDER
)	
Respondent.)	
)	

Mr. Gardner has initiated a second appeal in this case after the Court of Appeals dismissed an earlier appeal. Moreover, this appeal is way out of time. Still further, he has not paid the appellate filing fee or sought leave to appeal in forma pauperis. Even if he had, I certify that this appeal is not taken in good faith within the meaning of Federal Rule of Appellate Procedure 24. Therefore,

IT IS ORDERED that the Clerk of this Court shall not process the notice appeal (filing no. 68), but shall provide the Clerk of the Court of Appeals with a copy of this Order.

DATED this 17th day of May, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge